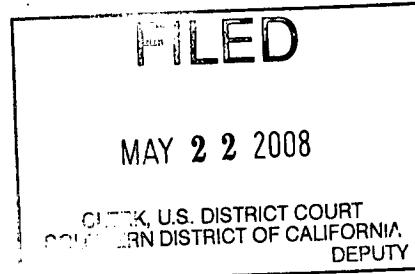


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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA, ) Criminal Case No. 08CR0972-WQH  
12 v. ) Plaintiff, )  
13 v. ) )  
14 RAMON VASQUEZ-CABRALES (1), )  
15 v. ) )  
16 ) Defendant. )  
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**STIPULATION OF FACT AND JOINT  
MOTION FOR RELEASE OF  
MATERIAL WITNESS(ES) AND  
ORDER THEREON**

**IT IS HEREBY STIPULATED AND AGREED** between the plaintiff, UNITED STATES OF AMERICA, by and through its counsel, Karen P. Hewitt, United States Attorney, and Joseph J.M. Orabona, Assistant United States Attorney, and defendant RAMON VASQUEZ-CABRALES, by and through and with the advice and consent of Linda Lopez, Federal Defenders of San Diego, Inc., counsel for defendant, that:

1. Defendant agrees to execute this stipulation on or before the disposition hearing and to participate in a full and complete inquiry by the Court into whether defendant knowingly, intelligently and voluntarily entered into it. Defendant agrees further to plead guilty to Count 3 of the Indictment charging defendant with a non-mandatory minimum count of Transportation of Aliens and Aiding and Abetting, in violation of 8 U.S.C. §1324(a)(1)(A)(ii) and (v)(II).

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1       2.    Defendant acknowledges receipt of a plea agreement in this case and agrees to  
2 provide the signed, original plea agreement to the Government not later than five business days  
3 before the disposition date set by the Court.

4       3.    Defendant agrees to plead guilty to the charge pursuant to the plea agreement on or  
5 before **May 23, 2008**.

6       4.    The material witnesses, Eduardo Reyes-Rodriguez, Ramon Torres-Silva and Juan  
7 Carlos Yepez-Yepez, in this case:

8           a.    Are aliens with no lawful right to enter or remain in the United States;  
9           b.    Entered or attempted to enter the United States illegally on or about  
10 March 25, 2008;

11           c.    Were found in a vehicle driven by defendant in Pine Valley, California and  
12 that defendant knew or acted in reckless disregard of the fact that they were aliens with no lawful  
13 right to enter or remain in the United States;

14           d.    Were paying and/or having others pay on their behalf between \$1,300 and  
15 \$1,500 to others to be brought into the United States illegally and/or transported illegally to their  
16 destination therein; and,

17           e.    May be released and remanded immediately to the Department of Homeland  
18 Security for return to their country of origin.

19       5.    After the material witnesses are ordered released by the Court pursuant to this  
20 stipulation and joint motion, if defendant does not plead guilty to the charge set forth above, for any  
21 reason, or thereafter withdraws his guilty plea to that charge, defendant agrees that in any  
22 proceeding, including, but not limited to, motion hearings, trial, sentencing, appeal or collateral  
23 attack, that:

24           a.    The stipulated facts set forth in paragraph 4 above shall be admitted as  
25 substantive evidence;

26       //

27       //

28       Stipulation of Fact and Joint Motion for Release of  
Material Witness(es) And Order Thereon in  
United States v. Ramon Vasquez-Cabralles (1)

1                   b.     The United States may elicit hearsay testimony from arresting agents regarding any  
 2 statements made by the material witness(es) provided in discovery, and such testimony shall be  
 3 admitted as substantive evidence under Fed. R. Evid. 804(b)(3) as statements against interest of (an)  
 4 unavailable witness(es); and,

5                   c.     Understanding that under Crawford v. Washington, 124 S. Ct. 1354 (2004),  
 6 “testimonial” hearsay statements are not admissible against a defendant unless defendant confronted  
 7 and cross-examined the witness(es) who made the “testimonial” hearsay statements, defendant  
 8 waives the right to confront and cross-examine the material witness(es) in this case.

9                   6.     By signing this stipulation and joint motion, defendant certifies that defendant has  
 10 read it (or that it has been read to defendant in defendant's native language). Defendant certifies  
 11 further that defendant has discussed the terms of this stipulation and joint motion with defense  
 12 counsel and fully understands its meaning and effect.

13                  Based on the foregoing, the parties jointly move the stipulation into evidence and for the  
 14 immediate release and remand of the above-named material witness(es) to the Department of  
 15 Homeland Security for return to their country of origin.

16                  It is STIPULATED AND AGREED this date.

17                  Respectfully submitted,

18                  KAREN P. HEWITT  
 19                  United States Attorney

20                  JOSEPH J.M. CRABONA  
 21                  Assistant United States Attorney

22                  LINDA LOPEZ  
 23                  Defense Counsel for VASQUEZ-CABRALES

24                  RAMON VASQUEZ-CABRALES  
 25                  Defendant

26                  28     Stipulation of Fact and Joint Motion for Release of  
 27                  Material Witness(es) And Order Thereon in  
 28                  United States v. Ramon Vasquez-Cabral (1)

## ORDER

Upon joint application and motion of the parties, and for good cause shown,  
**THE STIPULATION** is admitted into evidence, and,  
**IT IS ORDERED** that the above-named material witness(es) be released and remanded  
forthwith to the Department of Homeland Security for return to their country of origin.

**SO ORDERED.**

Dated: 5/22/08.

W. Melvin  
United States Magistrate Judge